

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

JAMES E. MITE,

Defendant.

8:08CR255

ORDER

This matter is before the court on the defendant's motion [20] to continue trial. For good cause shown,

IT IS ORDERED that the motion [20] is granted, as follows:

1. The trial of this matter is continued to **Tuesday, November 4, 2008** at 9:00 a.m. in Courtroom No. 2, Third Floor, Roman L. Hruska United States Courthouse, 111 South 18th Plaza, Omaha, Nebraska. Judge Smith Camp will meet with counsel in chambers at **8:30 a.m.** on the first day of trial.

2. In accordance with 18 U.S.C. § 3161(h)(8)(A), the court finds that the ends of justice will be served by granting a continuance and outweigh the interests of the public and the defendant in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time between **September 30, 2008 and November 4, 2008**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act because counsel require additional time to adequately prepare the case, taking into consideration due diligence of counsel and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

3. Defendant shall file an affidavit or declaration regarding speedy trial, as required by [NECrimR 12.1 and/or 12.3](#), no later than September 30, 2008.

DATED September 15, 2008.

BY THE COURT:

s/ F.A. Gossett
United States Magistrate Judge